

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

<p>Eric Eugene Crowl</p> <p style="text-align: center;">Plaintiff</p> <p style="text-align: center;">v.</p> <p>Governor Jay Inslee (in his Personal and Official capacities)</p> <p style="text-align: center;">Defendant</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Case No. <u>3:20-cv-05352-BHS</u></p> <p>CIVIL COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND DAMAGES</p> <p>CIVIL AWARD REQUESTED: \$ 1,000,000</p> <p>42 USC § 1983</p>
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COMES NOW, Plaintiff, Eric Eugene Crowl (*pro se*), and presents a complaint to this court for injunctive and declaratory relief and restraint, and punitive damages, against Defendants, for a cause of action in which Plaintiff is experiencing on-going harm and injury – as a result of the Defendant’s willful actions, as follows:

I. BACKGROUND (PARTIES, ISSUES)

1. Defendant, Governor Jay Inslee, issued a proclamation [attached for exhibit]: “20-25.1 EXTENDING STAY HOME – STAY HEALTHY TO MAY 4, 2020”, on April 2nd, 2020. He did so under a State of Emergency.

2. This proclamation extended a prior series of proclamations [sic: ORDERS] limiting religious [sic: spiritual] gatherings, starting on February 29th, 2020.

3. This proclamation includes the specific text, which unreasonably infringes of the Free Exercise Clause of the United States Constitution:

“...prohibiting all people in Washington State from leaving their homes or participating in social, spiritual and recreational gatherings of any kind regardless of the number of participants, and all non-essential businesses in Washington State from conducting business, within the limitations therein...”

1 4. This proclamation threatens anyone participating in religious gatherings of any kind and
2 size with criminal prosecution – a clear violation of 18 USC § 242 and 42 USC § 1983 [Deprivation of Rights
3 Under the Color of Law and Authorities], citing this text of the proclamation:

4
5 “Violators of this of this order may be subject to criminal penalties pursuant to RCW
6 43.06.220(5).”
7

8 5. This proclamation is in clear violation of the United States Constitution, which bars any
9 and all Government bodies from infringing on a person’s natural (and constitutionally protected) rights to
10 peaceably assemble and practice the free exercise of religion [sic: spiritual].
11

12 6. Plaintiff is a Resident of the State of Washington and a Natural Born Citizen of The United
13 States of America, residing in Pierce County. His residential address and phone number are incorporated
14 in the CIVIL COVER SHEET.
15

16 7. Defendant is a Governor [Chief Government Official] of the State of Washington, and a
17 Resident of the State of Washington – in both his personal and official capacities, residing in Thurston
18 County. His residential and official address and phone number are incorporated in the CIVIL COVER SHEET.
19

20 8. The population of the State of Washington, according to the United States Census Bureau,
21 is 7,797,095 persons. This is the total number of residents, including Plaintiff, of the State of Washington
22 – all of which are affected by the unlawful provisions of this proclamation.
23

24 9. There is no dispute by Plaintiff that Defendant may issue *lawful* proclamations.
25

26 10. This proclamation was issued using emergency powers, which authorize limited due
27 process [sic: emergency proclamations absent legislative review] for a declared State of Emergency, in the
28 State of Washington, by Defendant – Governor Jay Inslee.

29 **II. POINTS AND AUTHORITIES (JURISDICTION, MATTERS OF LAW)**

30 1. There is no likelihood that the State of Washington will prevail in this matter. The
31 disputed provisions of the proclamation authorize the use of force by Government to stop people from
32 practicing religion, individually or through peaceable assembly with others. The penalties include:
33 criminal arrest [subject to the use of force for non-compliance] and incarceration [in lieu of bail],
34 prosecution and conviction of a crime and/or fines. This is completely unconstitutional, a violation of
35 multiple founding constitutional principles [free exercise, separation of church and state; dominion by
36 decree].
37

38 2. The Constitution of The United States of America, Free Exercise Clause, expressly forbids
39 State and Local Governments from infringing in this manner:

40
41 “Congress shall make no law respecting an establishment of religion, or *prohibiting the free*
42 *exercise thereof*”
43

3. In 1940, the Supreme Court held in *Cantwell v. Connecticut* that, due to the Fourteenth Amendment, the Free Exercise Clause is enforceable against state and local governments – using the Fourteenth Amendment as the vehicle through which the Court applies the Bill of Rights to the states, know as as the Incorporation Doctrine.

4. Governor Jay Inslee, as a government official or as an individual, has no lawful authority to proclaim and order that people be barred from, or subject to criminal penalty or enforcement by the use of force for, gathering to participate in the free exercise of religion. The proclamation constitutes an unlawful act by a government official that is infringing, prima-facie, and regardless of any declared emergency (or other state of distress or emergency) these natural rights [sic: peaceable assembly, free exercise of religion] may not be suspended.

5. 18 USC § 242, makes it a criminal offense for any government official to willfully subject any person with the territorial jurisdiction of the United States of America to a deprivation of civil [sic: constitutional] rights under the “color of law” [or authorities]:

“Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.”

6. 42 USC § 1983 makes it a civil offense for any government official to willfully subject any person with the territorial jurisdiction of the United States of America to a deprivation of civil [sic: constitutional] rights under the “color of law” [or authorities]:

“Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer’s judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.”

8. A proclamation by the Defendant, as a Governor of the State of Washington, has the full force and effect of law within the state – for example, Law Enforcement may use the text of such a proclamation to enforce compliance with such a proclamation, which is in-effect an Order. Such enforcement can include the use of force, arrest and criminal prosecution.

10. Under this proclamation, people are not refrained from gathering in public to participate in retail commerce in public or private locations [sic: grocery stores, cannabis stores, liquor stores, etc] or for physical exercise or for a myriad of other activities. In contrast, allowing people to gather to conduct commerce, while disallowing gatherings of religious exercise, is violative and unreasonably infringing. This order further restricts peaceable assembly for protest.

12. A Federal District Court is the appropriate forum to address matters of Federal Law, as codified in the United States Code and as set forth the US Constitution – specifically this complaint addresses a civil matter of law under Federal jurisdiction, and cites an ongoing criminal violation of federal law as well. Plaintiff has notified the US Department of Justice, FBI Civil Rights Division, as to the criminal violation of law.

1. Incorporating the facts set forth herein [ref: BACKGROUND, POINTS AND AUTHORITIES] - The State of Washington, under the proclamation of Governor Jay Inslee, has barred religious gatherings of any kind and size, while allowing other public activities (such as retail commerce, Government construction projects, outdoor recreation, et al) that constitute a gathering.

3. These unlawful acts constitute an unreasonable infringement of the Free Exercise Clause of The Constitution of the United States of America, and entitles those who are subject to such infringements [sic: Plaintiff] relief.

4. Governor Jay Inslee has no lawful authority to order people to refrain from religious exercise, peaceable assembly, or any other reasonable liberties or freedoms or rights – specifically absent a “case by case” matter of probable cause [such as: actual and specific knowledge of a contagious infection of an individual]. This standard for probable cause would be so required when obtaining an order to isolate or quarantine a person, for example. General [blanket] Suspicion does not meet the requirements for such an order [or proclamation].

5. The overwhelming majority of deaths from COVID-19 are for persons over age 65. The proclamation is a blanket order to isolate everyone, and does not care to [or otherwise specify] any characteristics of at-risk age groups or any specific isolation or quarantine measures that would target groups who are actually at-risk for harm or injury from COVID-19.

IV. PRAYER FOR RELIEF

WHEREFORE, Plaintiff, having presented adequate prima-facie evidence that a grave violation of Federal Constitutional Law is occurring by unlawful decree, moves this court to set this matter for expedient hearing, so that the following relief may be granted by due process, as follows:

1. Injunctive relief enjoining Defendant [and anyone directed or otherwise commanded by Defendant, directly or indirectly] from any act [official or unofficial] under the color of law or authorities that would bar people from any religious gathering, or otherwise infringe on the people’s right to the free exercise of religion thereof, individually or with any number of other individuals; and

2. Injunctive Relief Ordering the Defendants to post a clear public notice and make a conspicuous and clear public announcement, that these unlawful provisions of the proclamations have been set aside or stricken; and

3. Declaratory relief from this court that the disputed provisions of this proclamation (as set forth in the Plaintiff’s complaint) are unlawful because they limit or otherwise bar religious assemblies or gatherings or exercises of any size – which is an unconstitutional act of government; and

4. Injunctive Relief Ordering the Defendants to comply with the notice and announcement provisions of this complaint, or be subject to the potential penalties, as codified by 18 USC § 242 and 42 USC § 1983, of arrest or fine or imprisonment.

5. An award of punitive damages to Plaintiff, against Defendants, in the amount of \$ 1,000,000, to compensate Plaintiff for the most egregious of infringements [sic: Free Exercise of Religion, Right to Peaceably Assemble].

6. An award of legal costs and fees to Plaintiff, against Defendants, for the costs of suit herein.

V. CERTIFICATE AND CLOSING

WHEREFORE, Plaintiff, requests that this court promptly set this matter for hearing, as to relieve the Plaintiff from the grievous injuries he is experiencing at the willful hand of Defendants.

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.



/s/ Eric Eugene Crowl, Plaintiff /s/

4/13/2020

Date of Signing